

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



April 10, 1991

ALL COUNTY INFORMATION NOTICE NO. I-39-91

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: INFORMATION ABOUT IMMIGRATION REFORM AND CONTROL ACT
(IRCA) AND STATE LEGALIZATION IMPACT ASSISTANCE
GRANT (SLIAG) ISSUES

REFERENCE: ACIN 87-77, ACL 89-22

The purpose of this letter is to provide County Welfare Departments with information about several issues for which questions have been frequently asked about the IRCA/SLIAG program. Included is a more detailed explanation of:

1. the "public charge" issue;
2. aid to dependent children of eligible legalized aliens (ELAs);
3. identifying ELAs
4. confidentiality of applicant information; and,
5. services eligible for SLIAG reimbursement.

PUBLIC CHARGE

Question:

How does the utilization of public services by ELAs affect their chances of obtaining permanent resident status?

Answer:

The IRCA states that, with certain exceptions, during the first five years aliens are not eligible for any program of financial assistance furnished under Federal law on the basis of financial need. Although ELAs are generally eligible for state-only programs, benefits derived from state-only programs may be taken into consideration by an Immigration and Naturalization Service (INS) official when permanent resident status is determined, and receiving state-only assistance may be a factor influencing the outcome of his decision.

The INS determines that ELAs demonstrate economic self sufficiency by showing a sustained record of employment, or otherwise show they have the means to support themselves without depending on public assistance. Receiving public assistance in itself will not exclude ELAs from obtaining permanent resident status.

In considering permanent resident status public assistance cases, INS will base their decision on a prospective judgement. That is, before a decision is made INS will review the case by looking at each incident where public assistance was accepted to determine if any specific incident along with other factors in the case indicate if that person is likely to become economically dependent.

DEPENDENT CHILD STATUS

Question:

Is the American born child of an ELA eligible for public assistance?

Answer:

Yes, in cases where an adult legalized alien is the parent of a dependent child born in the United States, that child is program eligible as determined by current regulatory standards. In making the determination for the child the parent's needs shall not be taken into account. However, the income of such parent shall be included in making the child's need determination. Where there are minor siblings who are ineligible due to their alien status, the income must be allocated pursuant to the Darces rules.

IDENTIFYING ELAs

Question:

What documents are used by INS to identify individuals as lawful temporary or permanent residents under Section 245A or 210 of the IRCA?

The I-688 (Temporary Resident Card) and the I-551 (Resident Alien Card) are the two INS documents that identifies SLIAG eligible aliens. The I-688A (Work Authorization Card) and the I-687 (Applicant for 245A status Card) are two other cards commonly used by INS and they both serve specific purposes, but they are not intended to identify SLIAG program eligibles.

CONFIDENTIALITY

Question:

In what ways can information obtained from ELA applicants be utilized?

Answer:

Information furnished by SLIAG applicants is confidential and is to be used exclusively in the administration of the SLIAG program. Anyone who uses, publishes, or permits any other use of applicant information whereby any particular individual can be identified will be subject to fines or imprisonment.

ELIGIBLE SERVICES


Question:

What services are generally available to ELAs?

Answer:

Eligible services for SLIAG reimbursement can be found in Attachment A or All-County Letter 89-22.

If you have any questions concerning this letter, please call Mr. Lee Davis of the Immigration and Resettlement Bureau at (916) 322-5554.


for ROBERT A. HOREL
Deputy Director
Welfare Program

Attachment

QUESTIONS AND ANSWERS

QUESTION:

What types of IRCA program assistance is available to ELAs that is reimbursable through SLIAG funding?

ANSWER:

A complete list of the different ELA categories along with the IRCA programs for which each category of recipient is eligible is included in attachment "B".

QUESTION:

Which date on the I-688 is to be considered the date of application?

ANSWER:

The date of application is to be considered the same as the date of issue on the front of the I-688. An example can be found in All County Letter 87-55, attachment II.

QUESTION:

If an American born child of ELA parent receives aid to which he/she is legally entitled, what impact will it have on that ELA obtaining permanent resident status?

ANSWER:

Receiving aid by children of an ELA does not in itself constitute a barrier to permanent resident status. Rather, each ELA will have to demonstrate in a broad perspective that they have the capacity to exist on their income without recourse to public assistance.

QUESTION:

What are the meanings to the various alien status codes on INS documents?

ANSWER:

A complete list of alien status codes can be found on attachment "C".

ALIENS LEGALITY
UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Attachment B

PROGRAM	245A TEMPORARY RESIDENTS		245A PERMANENT RESIDENTS		210 SPECIAL AGRICULTURAL WORKERS (SAWS)/210A 1/ REPLENISHMENT AGRICULTURAL WORKERS (RAWS)		212 CUBAN/HAITIAN ENTRANTS AND 249 PRE-72 REGISTRY ALIENS	
	Not eligible	245A (h)(1)(A)(1)	Not eligible	245A (h)(1)(A)(1)	Not eligible	210(f)	Eligible	
Federal AFDC (FG/U)	Eligible*		Eligible*		Eligible*		Eligible	
Federal AFDC Foster Care	Not eligible		Eligible		Eligible		Eligible	
Nonfederal AFDC (FG/U)	Not eligible		Eligible		Eligible		Eligible	
Nonfederal AFDC (FC)	Not eligible		Eligible		Eligible		Eligible	
Adoption assistance, child welfare services & foster care services (Social Sec. Act. Title IV Parts B&E)	Eligible		Eligible		Eligible		Eligible	
Medicaid (Title XIX)	Aged, Blind & Disabled (ABD) and aliens under 18 eligible for full services. Others eligible only for emergency and pregnancy-related services.*	245A(h)(1)(A)(11) and (h)(3)	ABD & children under 18 are eligible for full services. Others eligible only for emergency and pregnancy-related services.*	245A(h)(1)(A)(11) and (h)(3) (After 5 year limitation, all eligible for full scope benefits.)	SAWS/RAWS receive same benefits as 245A amnesty aliens.*	210(f); 210(a)(5) and 210(g)	Cuban/Haitian entrants who receive Refugee Medical Assistance (RMA). Registry aliens, and all are eligible for full scope of services. 245A(h)(2)	
State and local medical care (not Medicaid)	Eligible under Welfare and Institutions Code 17000.*	245A(h)(1)(B)	Eligible*		Eligible*		Eligible	

Eligible

Eligible* 5/

Not eligible except for aged, blind or disabled as defined in Section 1614(a)(1) of the SSA, 2/ 4/, 5/ 245A(h)(1)(A)(iii) and (h)(2)(B)

Not eligible 245A(h)(1)(A)(iii)

Food Stamps

Eligible

Eligible

Eligible

Eligible

School lunch and breakfast

Eligible

Eligible

Eligible

Eligible

WIC and other child nutrition

Eligible

Eligible

Eligible

Eligible

SSI

Eligible

Eligible*

Eligible*

Eligible*

SSP

Eligible

Eligible

Eligible

Not Eligible

HOSS

Eligible

Eligible

Eligible

Probably eligible depending on individual program restrictions

Other programs for ABD

Eligible

Eligible

Eligible

Probably eligible depending on individual program restrictions

Other programs for C/HE

Eligible

Eligible* 3/

Possibly eligible under W&IC 17000.*

Possibly eligible under W&IC 17000* 245A(h)(1)(B) 3/

General Assistance

Eligible

Federal housing
programs

Perhaps ineligible, Perhaps ineligible
depending on new HUD Legislation
HUD Legislation and Attorney General
and Attorney General designation.
General designa-
tion.
245A(h)(1)(A)(i)

Eligible

Eligible

Eligible

Eligible

Headstart

Eligible

Eligible

Eligible

Eligible

Job Training
Partnership
Act (JTPA)

Eligible

Eligible

Eligible

Eligible

Title IV of
Higher Educa-
tion Act of
1965

Eligible

Eligible

Eligible

Eligible

Block grants
for Social
Services (SSA
Title XX)

1/ SAWs/RAWS eligible by virtue of being deemed "legal permanent residents" while in both temporary (210(a)(5)) and permanent (210(G)) resident status.

2/ Eligible only after 5 years from granting TRS (the earliest date of eligibility for 245A is 5/5/9

3/ Legalized children in TRS or PRS may also be eligible for foster care under County General Assistance.

4/ No aliens will be eligible until November 7, 1988 (the first date a legalized alien can be adjusted to PRS). (Aged, blind or disabled aliens in PRS who are not in receipt of SSI/SSP may be eligible for foster stamp benefits as early as 11/7/88.)

5/ Administrative costs only.

* Eligible for SLIAG reimbursement.

Ident Alien Codes for Legalization
(Amnesty Aliens)

Temporary and permanent resident codes for aliens legalized under the provisions of the Immigration Reform and Control Act of 1986 (P.L. 99-603) are listed below:

	<u>Temporary Resident</u> <u>Code</u>	<u>Permanent Resident</u> <u>Code on I-551</u>
<u>Section 245A:</u>		
a) Illegally entered the U.S. prior to 1/1/82	TW1	W16
b) Entered U.S. as a non- immigrant prior to 1/1/82 and overstayed visa	TW2	W25
c) Aliens from countries granted blanket extended voluntary departure	TW3	W36

Unless aged, blind or disabled, the earliest these aliens may become Food Stamp Program eligible is 5/5/92.

Aliens granted lawful permanent resident status who are aged, blind or disabled, are potentially eligible for program participation as of November 7, 1988.

Special Agricultural Workers (Section 210):

a) Group I	TS1	S16
b) Group II	TS2	S26

Aliens with temporary residency status admitted under Section 210 were eligible for program participation as of 6/1/87.

Replenishment Agricultural Workers (Section 210A):

a) Applied within U.S.	TR1	R16
b) Applied outside U.S.	TR2	R16

Aliens admitted as replenishment workers are potentially eligible for program participation between 10/1/89 and 9/30/93.